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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

ORIGINAL  
FILE

In the Matter of )  
 )  
Modification of Section 90.267(b) )  
and Other Provisions of the FCC's )  
Regulations Affecting the )  
Ownership of Specialized Mobile )  
Radio (SMR) Systems Within )  
40 Miles of Each Other )

RM-8030

To: The Commission

REPLY COMMENTS  
OF THE  
UTILITIES TELECOMMUNICATIONS COUNCIL

Pursuant to Section 1.405 of the Federal Communications Commission's rules (FCC), the Utilities Telecommunications Council (UTC) submits the following comments in reply to the statements filed with respect to the Petition for Rule Making of A & B Electronics, Inc. (A&B) in the above-captioned matter.

The comments filed in response to A&B's petition indicate serious opposition to A&B's proposal. Northern States Power Company (NSP) notes that A&B's proposal has the potential to erode the balance in the established 800 and 900 MHz frequency categories -- Business, Industrial/Land Transportation, SMR and Public Safety -- which thus far has ensured that adequate channels are

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available for each category of eligibles.<sup>1/</sup> The National Association of Business and Educational Radio, Inc. (NABER) states that the proposal to establish system licenses is contrary to the FCC's goal of easing regulatory burdens and that the benefits to be obtained from system licensing are unclear.<sup>2/</sup>

Southern California Edison notes that there is no assurance in A & B's proposal that a system licensee's channels will be loaded efficiently at the time it seeks to gain additional channels.<sup>3/</sup> The American Petroleum Institute (API) states that A & B's proposals do not foster efficient use of private land mobile radio spectrum and, in fact, will provide an incentive for less efficient use of the available frequencies.<sup>4/</sup> The comments raised strong objections to the fact that, under A & B's proposal, system licensees would not have to be fully loaded in order to acquire channels from intercategory sharing procedures.<sup>5/</sup>

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<sup>1/</sup> Comments of NSP, at pp. 2-3.

<sup>2/</sup> Comments of NABER, at p. 5.

<sup>3/</sup> Comments of SCE, at p. 4.

<sup>4/</sup> Comments of API, at pp. 4-5.

<sup>5/</sup> Comments of NSP, at p. 4; Comments of API, at p. 6; Comments of SCE, at p. 4; Comments of NABER, at p. 5; and Comments of Southern California Gas Company (SCG), at pp. 6-7.

The remaining commenters offered only surface support for the proposal. Fleet Call, Inc. (Fleet Call) notes that A&B's proposal is unnecessarily complex and too restrictive to achieve its underlying objectives.<sup>6/</sup> Fleet Call suggests, however, that A&B's petition be evaluated in the context of a comprehensive review and revision of SMR rules.<sup>7/</sup> Idaho Communications Limited Partnership (Idaho) states that A&B's proposal is the proper vehicle for the FCC to institute a review of whether loading and ownership restrictions have created regulatory burdens for SMR development in smaller markets.<sup>8/</sup> Idaho suggests that A&B's petition be consolidated with Fleet Call's Petition For Rule Making seeking to establish "innovator blocks" of spectrum<sup>9/</sup> and that the FCC look to "reforming" the SMR industry generally. Similarly, the American Mobile Telecommunications Association, Inc. (AMTA) terms A&B's petition a "thought-provoking" approach to SMR wide area licensing and spectrum warehousing, but recommends that the FCC consider A&B's proposals only in conjunction with a broader evaluation of the 800 and 800 MHz rules which it expects to occur this year.<sup>10/</sup>

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<sup>6/</sup> Comments of Fleet Call, at p. 5.

<sup>7/</sup> Comments of Fleet Call, at p. 5.

<sup>8/</sup> Comments of Idaho, at p. 5.

<sup>9/</sup> FCC RM-7985.

<sup>10/</sup> Comments of AMTA, at p. 1.


Given the opposition to and the lack of direct support for A&B's proposal, UTC recommends that A&B's petition be denied. If the FCC does consider A&B's proposal, either in isolation or in the context of a general review of SMR or 800 and 900 MHz rules, UTC continues to request that the FCC prohibit SMR licensees from requesting channels through intercategory sharing. Without such a restriction, SMR system licensees would be able to hoard non-SMR channels to the detriment of public service entities and other non-commercial radio users.

WHEREFORE, THE PREMISES CONSIDERED, the Utilities Telecommunications Council respectfully urges the Federal Communications Commission to deny the subject Petition for Rule Making.

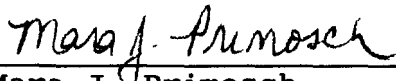
Respectfully submitted,

UTILITIES TELECOMMUNICATIONS  
COUNCIL

By:

  
\_\_\_\_\_  
Jeffrey L. Sheldon  
General Counsel

By:

  
\_\_\_\_\_  
Mara J. Primosch  
Senior Staff Attorney

Utilities Telecommunications  
Council  
1140 Connecticut Ave., N.W.  
Suite 1140  
Washington, D.C. 20036  
(202) 872-0030

Dated: August 27, 1992

## CERTIFICATE OF SERVICE

I, Kim Winborne, hereby certify that I have caused to be sent, by first class mail, postage prepaid, this 27th day of August, 1992, a copy of the foregoing "Reply Comments of the Utilities Telecommunications Council" to the following:

Russell H. Fox, Esquire  
Gardner Carton & Douglas  
1301 K Street, N.W.  
East Tower - Suite 900  
Washington, D.C. 20554

Shirley S. Fujimoto, Esquire  
Marc Berejka, Esquire  
Keller and Heckman  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001

Carole C. Harris, Esquire  
Marc Berejka, Esquire  
Keller and Heckman  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001

Wayne V. Black, Esquire  
Frederick J. Day, Esquire  
Keller and Heckman  
1001 G Street, N.W.  
Washington, D.C. 20001

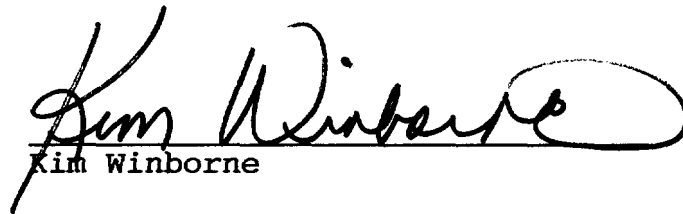
David E. Weisman, Esquire  
Alan S. Tilles, Esquire  
Meyer, Faller, Weisman and  
Rosenberg, P.C.  
4400 Jenifer Street, N.W.  
Suite 380  
Washington, D.C. 20015

Judith L. Young, Esquire  
Southern California Gas  
555 W. Fifth Street  
Los Angeles, California 90013-1011

Elizabeth R. Sachs, Esquire  
Lukas, McGowan, Nace & Gutierrez  
1819 H Street, N.W.  
Suite 700  
Washington, D.C. 20006

Robert S. Foosaner, Esquire  
Lawrence R. Krevor, Esquire  
601 13th Street, N.W.  
Suite 1110 South  
Washington, D.C. 20005

Raymond J. Kimball  
Ross & Hardies  
888 16th Street, N.W.  
Suite 300  
Washington, D.C. 20006



Kim Winborne